



October 22, 2007

Mr. Rich Gannon  
NC DENR Division of Water Quality, Planning Section  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Dear Mr. Gannon:

The purpose of this letter is to revise the Ecosystem Enhancement Program's (EEP) comments submitted September 14, 2007. Based on recent guidance from the Division of Water Quality, it is necessary to revise our recommended fee for providing riparian buffer restoration. As stated in our earlier comments, the fee of 70 cents in the proposed revisions to 15A NCAC 2B.0272 is insufficient to cover EEP's costs to produce buffer restoration. Recent guidance from DWQ staff states, "From this date on (Oct 10, 2007) mitigation credit will only be allowed for buffer restoration in an area out to 50 feet as measured horizontally in a line perpendicular from the surface water. This "50 foot policy" shall remain in place until such time that the DWQ Director approves in writing any change in this policy that is supported by recommendations from DWQ Staff."

As indicated in our September 14, 2007 comments, this recent policy guidance does affect our cost of providing riparian buffer restoration. We are, therefore, recommending that the fee remain at its current level of 96 cents per square foot noting that it may need to be revised as our program determines if this recent guidance will further increase the program's costs of providing mitigation.

Thank you for the opportunity to provide input into this complex rule-making process. We are happy to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, reading "William D. Gilmore".

William D. Gilmore, P.E., Director  
Ecosystem Enhancement Program